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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

10 **William Cecil Thornton,**

11 Petitioner,

12 **v.**

13 **Michael Stainer,**

14 Respondent.  
15

Case No. 11cv1266 JLS (PCL)

**ORDER DENYING MOTION  
FOR APPOINTMENT OF  
COUNSEL**

**(Doc. No. 4)**

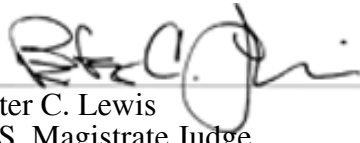
16 **MOTION FOR APPOINTMENT OF COUNSEL**

17 Petitioner requests the Court appoint counsel to assist him in his habeas case. (Doc. No.  
18 4.) The Sixth Amendment right to counsel does not extend to federal habeas corpus actions by  
19 state prisoners. See McCleskey v. Zant, 499 U.S. 467, 495 (1991 (citing Pennsylvania v. Finley,  
20 481 U.S. 551, 555 (1987) (“The right to appointed counsel extends to the first appeal of right,  
21 and no further”); Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996) (noting that there  
22 currently exists no constitutional right to appointment of counsel in habeas proceedings); Chaney  
23 v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986).

24 However, courts may appoint counsel for financially eligible habeas petitioners seeking  
25 relief pursuant to 28 U.S.C. § 2254 where “the interests of justice so require.” 18 U.S.C. §  
26 3006A(a)(2)(B); Chaney, 801 F.2d at 1196. Whether or not to appoint counsel is a matter left to  
27 the court’s discretion, unless an evidentiary hearing is necessary. See Knaubert v. Goldsmith,  
28 791 F.2d 722, 728-30 (9th Cir. 1986) (explaining that the interests of justice require appointment  
of counsel when the court conducts an evidentiary hearing on the petition).

1           Petitioner's petition contains straightforward claims, and no evidentiary hearing has been  
2 requested. Accordingly, Petitioner's request for appointment of counsel is **DENIED**.

3 DATE: January 13, 2012

4   
5 Peter C. Lewis  
6 U.S. Magistrate Judge  
7 United States District Court

8 cc:     The Honorable Sammartino  
9         All Parties and Counsel of Record  
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